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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

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 14 OPLINK COMMUNICATIONS, INC.,
 15 Plaintiffs,
 16 v.
 17 O-NET COMMUNICATIONS
 18 (SHENZHEN) LIMITED; MULTIWAVE
 19 DIGITAL SOLUTIONS, INC.;
 20 CHUNMENG WU, AN INDIVIDUAL,
 21 Defendants.

Case No. C 07-4582 MJJ

**PLAINTIFF OPLINK
 COMMUNICATIONS INC.'S REPLY TO
 O-NET AND MULTIWAVE'S FIRST
 AMENDED COUNTERCLAIMS FOR
 DECLARATORY JUDGMENT OF NON-
 INFRINGEMENT AND INVALIDITY
 DEMAND FOR JURY TRIAL**

Date of Filing: September 17, 2006
Trial Date: None Set

PLAINTIFF'S REPLY TO COUNTERCLAIMS

Plaintiff Oplink Communications, Inc. (“Oplink”) hereby submits this Reply to the First Amended Counterclaims of defendants O-Net Communications (Shenzhen) Limited (“O-Net”) and Multiwave Digital Solutions, Inc.’s (“Multiwave”) (collectively “Defendants”):

Parties

1. Oplink is informed and believes, and on that basis admits the allegations contained in paragraph 1 of Defendants' Counterclaims for Declaratory Relief.

2. Oplink is informed and believes, and on that basis admits the allegations contained in paragraph 2 of Defendants' Counterclaims for Declaratory Relief.

3. Oplink admits the allegations contained in paragraph 3 of Defendants' Counterclaims for Declaratory Relief.

Jurisdiction and Venue

4. Oplink admits that O-Net Shenzhen and Multiwave have asserted counterclaims pursuant to 28 U.S.C. §§ 2201 and 2202, the patent laws of the United States, Title 35 of the United States Code and Federal Rule of Civil Procedure 13. Oplink denies the other allegations of paragraph 4.

5. Oplink admits the allegations contained in paragraph 5 of Defendants' Counterclaims for Declaratory Relief.

6. Oplink admits the allegations contained in paragraph 6 of Defendants' Counterclaims for Declaratory Relief.

7. Oplink admits the allegations contained in paragraph 7 of Defendants' Counterclaims for Declaratory Relief.

8. Oplink admits that an actual controversy exists between Oplink on the one hand and O-Net Shenzhen and Multiwave on the other concerning infringement and validity of the '829, '919 and '129 Patents.

First Counterclaim Declaration of Non-Infringement

9. Oplink hereby incorporates by reference its responses to paragraphs 1-8 of this

1 || Reply as though fully set forth herein.

2 10. Oplink admits the allegations contained in paragraph 10 of Defendants' First
3 Counterclaim.

4 11. Oplink admits the allegations contained in paragraph 11 of Defendants' First
5 Counterclaim.

6 12. Oplink denies the allegations contained in paragraph 12 of Defendants' First
7 Counterclaim.

8 13. Oplink denies the allegations contained in paragraph 13 of Defendants' First
9 Counterclaim.

10 14. Regarding paragraph 14 of Defendants' First Counterclaim, Oplink admits that
11 O-Net Shenzhen and Multiwave seek a declaration that they do not infringe the '829, '919 and
12 '129 Patents and that they are not liable as infringers. Oplink denies that O-Net Shenzhen and
13 Multiwave are entitled to any such relief.

**Second Counterclaim
Declaration of Invalidity of the '829 Patent**

16 15. Oplink hereby incorporates by reference its responses to paragraphs 1-14 of this
17 Reply as though fully set forth herein.

18 16. Oplink admits the allegations contained in paragraph 16 of Defendants' Second
19 Counterclaim.

20 17. Oplink admits the allegations contained in paragraph 17 of Defendants' Second
21 Counterclaim.

22 18. Oplink denies the allegations contained in paragraph 18 of Defendants' Second
23 Counterclaim.

24 19. Regarding paragraph 19 of Defendants' Second Counterclaim, Oplink admits that
25 it has and continues to suffer damage as a result of Defendants' infringing activities. Oplink
26 denies the remaining allegations contained in paragraph 19.

1 20. Regarding paragraph 20 of Defendants' Second Counterclaim, Oplink admits that
2 O-Net Shenzhen and Multiwave seek a declaration that the claims of Oplink's '829 Patent are
3 invalid for failure to satisfy one or more of the Conditions of Patentability specified in 35 U.S.C.
4 §§ 101, 102, 103 and 112. Oplink denies that the claims of Oplink's '829 Patent are invalid.

Third Counterclaim

7 21. Oplink hereby incorporates by reference its responses to paragraphs 1-20 of this
8 Reply as though fully set forth herein.

9 22. Oplink admits the allegations contained in paragraph 22 of Defendants' Third
10 Counterclaim.

11 23. Oplink admits the allegations contained in paragraph 23 of Defendants' Third
12 Counterclaim.

13 24. Oplink denies the allegations contained in paragraph 24 of Defendants' Third
14 Counterclaim.

15 25. Regarding paragraph 25 of Defendants' Third Counterclaim, Oplink admits that it
16 has and continues to suffer damage as a result of Defendants' infringing activities. Oplink denies
17 the remaining allegations contained in paragraph 25.

18 26. Regarding paragraph 26 of Defendants' Second Counterclaim, Oplink admits that
19 O-Net Shenzhen and Multiwave seek a declaration that the claims of Oplink's '919 Patent are
20 invalid for failure to satisfy one or more of the Conditions of Patentability specified in 35 U.S.C.
21 §§ 101, 102, 103 and 112. Oplink denies that the claims of Oplink's '919 Patent are invalid.

Fourth Counterclaim

Declaration of Invalidity of the '129 Patent

24 27. Oplink hereby incorporates by reference its responses to paragraphs 1-26 of this
25 Reply as though fully set forth herein.

26 28. Oplink admits the allegations contained in paragraph 28 of Defendants' Fourth
27 Counterclaim.

1 29. Oplink admits the allegations contained in paragraph 29 of Defendants' Fourth
 2 Counterclaim.

3 30. Oplink denies the allegations contained in paragraph 30 of Defendants' Fourth
 4 Counterclaim.

5 31. Regarding paragraph 31 of Defendants' Fourth Counterclaim, Oplink admits that it
 6 has and continues to suffer damage as a result of Defendants' infringing activities. Oplink denies
 7 the remaining allegations contained in paragraph 31.

8 32. Regarding paragraph 32 of Defendants' Fourth Counterclaim, Oplink admits that
 9 O-Net Shenzhen and Multiwave seek a declaration that the claims of Oplink's '129 Patent are
 10 invalid for failure to satisfy one or more of the Conditions of Patentability specified in 35 U.S.C.
 11 §§ 101, 102, 103 and 112. Oplink denies that the claims of Oplink's '129 Patent are invalid.

12 Wherefore, Plaintiff and Counterclaim Defendant Oplink requests that this Court enter
 13 judgment in its favor and against Defendants as follows:

- 14 (a) Granting the relief requested by Oplink in the Second Amended Complaint of Plaintiff
 15 Oplink Communications, Inc. for Patent Infringement, Trade Secret Misappropriation,
 16 Breach of The Duty of Loyalty, Unfair Competition, Breach of Contract and
 17 Intentional Interference with Contractual Relations; and
- 18 (b) Such other relief as the Court deems proper.

19 Dated: December 3, 2007

WHITE & CASE LLP

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 21 By: /s/ Sam C. O'Rourke

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 23 Attorneys for Plaintiff
 24 Oplink Communications, Inc.